

Disturbed by noise?

Advice for residents

www.portsmouth.gov.uk

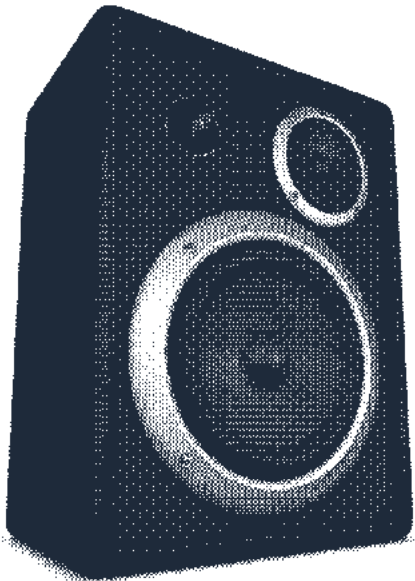


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1. About this leaflet

This leaflet produced by the pollution control team provides you with some useful background information on how to deal with noise problems.



It is a fact of life that we all make noise; whether we are talking to others, playing music, entertaining, driving in our cars or just going about our daily business. What is a noise to one person may be pleasurable to another. But too much noise can reduce people's quality of life and, in some extreme cases, even destroy it entirely. If noise is upsetting your life, this leaflet explains how you may be able to deal with the problem.

This information is only a guide to dealing with neighbour noise issues and briefly summarises the advice provided by the pollution control team.

Upon registration of a noise complaint with this service, this leaflet is provided to every person requesting our assistance. It is also freely available to anyone requiring general advice on neighbour noise concerns.

Should you require any further information on how to deal with noise from a neighbour please contact the city helpdesk at:

Telephone: (023) 9283 4167

E-mail: cityhelpdesk@portsmouthcc.gov.uk

Postal address: City Helpdesk, Civic Offices, Guildhall Square, Portsmouth, PO1 2BG.

If you have an active registered complaint with the pollution control team, please contact your investigating officer directly.

Noise is normally thought of as unwanted sound. It could be too loud or just occur at the wrong time or without warning. If you have not already registered a complaint for investigation and are concerned about noise coming from a neighbour's home often the best way to deal with the problem is to go to the source.

Think about talking to the person creating the noise and explaining

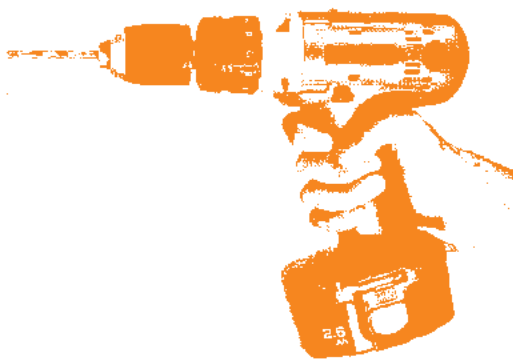
the problem. You may find that they don't know they are disturbing you. Remember, we may all be guilty of disturbing others at some time without knowing it.

2. Talking to your neighbour

It is important to approach your neighbour as soon as possible before the problem gets out of control. Many problems can be dealt with in a friendly way, without the need for further action.

You may be nervous about approaching your neighbour, but remember that they may not know that they are causing a problem. Often they will be embarrassed and be more considerate in future.

Before you approach your neighbour, plan what you are going to say. If you are calm and pleasant then they will be more likely to respond positively to your complaint.



Never approach your neighbour when the noise is actually happening. You are more likely to be angry and have an argument with them.

If it's late at night and your neighbour is playing music loudly or having a party, they may have been drinking alcohol. If this is the case, they are less likely to understand your point of view and may think you are just trying to spoil their fun.

Be careful

Before you approach your neighbour, it is important to think about the risk to your personal safety and property. If you feel frightened or intimidated by your neighbour and you are worried that they may be aggressive, approaching them to complain may not be the best option for you.



3. Using mediation

If the direct approach does not work, you could use a go-between or 'mediator'. You could approach the Portsmouth mediation service. They provide a free mediation service in which impartial mediators listen to the nature of your concerns and enable you to explore a way forward. It is available to all residents of Portsmouth.

They will listen to what you have to say, discuss what you can do next and encourage you to consider the future. This may enable you to resolve the difficulty yourself. However, if you wish, they can contact your neighbour and listen to what they have to say. If everyone wants to resolve the difficulty, the mediators will work with you to establish the best way forward.

If you would like further information on mediation you can contact the Portsmouth mediation service at the main office:

Tel: (023) 9243 1352

E-mail: info@portsmouthmediationservice.org.uk

Postal Address (no public reception area):

Oasis, The Venue
Arundel Street
Portsmouth PO1 1NP

Taking formal action

When talking to your neighbour is not possible or doesn't work, you can deal with noise problems by taking formal action, such as registering a complaint with us or by complaining directly to the magistrates' court.

4. Complaining to the council

The pollution control team has a wide range of legal powers to act against noise and noisy neighbours. Generally, prior to investigating the problem, we will make contact with your neighbour. When doing so we will advise them that we will be investigating a complaint of noise disturbance and explain our duty to do so. We will also explain our powers and procedures. We will not however divulge who the complainant is or release any of your personal details. We hope that this contact will resolve the problem; however should the problem continue afterwards, we will investigate further and attempt to hear the noise for ourselves.

Should we witness noise which in our opinion is unreasonable, has a significant negative impact upon your home and is causing a statutory

nuisance, we will instigate legal proceedings against the person responsible. Whilst legal proceedings can be complicated, we will ensure that our actions are explained to you and that you are kept well informed throughout the investigation.

Disturbed by noise?

In most cases once we are of the opinion that a statutory nuisance has occurred, we will serve an abatement notice. This will require your neighbour to stop causing the problem. A person can appeal against an abatement notice within 21 days of it being served. Should it be appealed it is possible that we will ask your assistance in defending the actions we have taken.

If the noise continues

If a person receives an abatement notice but carries on making noise without a good reason, they will have committed an offence. If the noise continues we will investigate further to witness the problems. Once we have the evidence necessary, we may then decide to take your neighbour to court. The courts have a range of powers they can use to punish the offender. Courts can impose fines of up to £5,000 for individuals and £20,000 for businesses.

In certain circumstances, where the noise maker is causing other anti-social behaviour we will work closely with the police, the anti-social behaviour unit and other partner agencies to issue an anti-social behaviour order or take other enforcement actions to resolve the problems.

If the noise continues following the service of an abatement notice, we may decide that it is necessary to seize the equipment causing the problem. This is a process which is carried out under warrant and against which the person causing the nuisance has no ability to prevent. Seizure of equipment has proven to be a strong deterrent against persons causing persistent nuisance.

Noise created by students

If the noise is caused by students inside their residence it is likely that

we will liaise closely with the University of Portsmouth to tackle the problem.

You may however feel that it is appropriate to get in touch with the university yourself to report student related noise issues. You can do so by contacting the student housing team at:

Tel: (023) 9284 3214

E-mail: student-neighbourliaison@port.ac.uk

Postal address: Student and Neighbour Liaison Service, Student Housing, The Nuffield Centre, St Michael's Road, Portsmouth, PO1 2ED.

Complaints about the local authority

We will work with you to resolve noise problems. However, if you are unhappy about the way we have handled your case we welcome your comments. On closure of your complaint, we may ask you to complete a feedback card upon which you can tell us how helpful and effective we have been.

Should you wish to formally complain about any part of our service you can do so either by contacting your investigating officer or the pollution control manager.



5. Complain directly to the magistrates' court

If, for whatever reason, we do not take action, or if you do not wish to involve us, you can complain about a noise problem direct to a magistrates' court. The magistrates' court will need to be persuaded that the noise problem amounts to a statutory nuisance in the same way we do. It is therefore important that you keep a written record of the dates, times and duration of the noise, as well as a description of it and the distress it causes you. Before you complain to a magistrates' court, you should take the steps described overleaf in '2. Talking to your neighbour'.

The first step to take when thinking about taking action through a magistrates' court is to seek advice from the clerk at the court. Before you start legal proceedings, you are required to write to the noise maker and explain that you intend to take legal action. The noise maker must receive 3 days' written notice before you begin proceedings.

What happens at court?

If you win the court case, the court will issue an order telling the offender to stop the noise nuisance and what they have to do to achieve

this. The court may also give the noise maker a fine. If the court finds that the nuisance existed at the date of making the complaint, they may award you the reasonable costs incurred by you in bringing the action against the noise maker. If you do not win, you may have to pay your own costs and the costs of the person you have taken to court.

What if the noise carries on?

As with our procedure, if someone breaks the rules of a court order and carries on making noise without a reasonable excuse, they will be guilty of an offence and can be fined.

6. Further information

This is only a very brief summary of our powers and procedures. You may therefore wish to find out more about how we investigate complaints of noise nuisance and how you will need to work with us to resolve the problems.

Further information can be found on our website **www.portsmouth.gov.uk** by reading our 2009 noise enforcement policy.

Alternatively you can speak with the city helpdesk or, if you are registered, with the officer who has been assigned your case.

Environment and Public Protection
Portsmouth City Council
Civic Offices
Guildhall Square
Portsmouth PO1 2PQ
Telephone: (023) 9283 4167

www.portsmouth.gov.uk



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You can get this Portsmouth City Council information in large print, Braille, audio or in another language by calling 9268 8366.